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APPLICATION NUMBER 10 1584 880

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FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

In re Application of
MAY, Lutz.

Application No.: 10/584,880

PCT No.: PCT/EP2004/014796

Int. Filing Date: 29 December 2004

Priority Date: 30 December 2003

Docket No.: 40124/090201

For: TORQUE SENSOR

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

This is a decision on applicants' "Renewed Petition Under 37 CFR 1.137(b)," filed in the above-captioned application on 06 June 2007.

BACKGROUND

On 29 December 2004, applicants filed international application no. PCT/EP2004/014796, claiming a priority date of 30 December 2003. A copy of the international application was transmitted to the Office by the International Bureau on 14 July 2005. The deadline for payment of the basic national fee in the United States was 30 June 2006.

On 28 June 2006, applicants filed a transmittal letter for entry into the national phase in the United States. The basic national fee was not paid.

On 10 April 2007, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely pay the basic national fee.

On 06 June 2007, applicants submitted a petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) the required reply, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (1) and (4) have been satisfied.

Items (2) and (3) have not been satisfied. The proper reply is payment of the basic national fee. While applicant's 06 June 2007 submission indicates that it was accompanied by a credit card form, the fees are not in the application. The petition fee is also not in the application. If applicant has records that the fees were changed please forward such records. Otherwise, applicants can pay the fees online with a renewed petition or forward an additional credit card authorization.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b).".

Any further correspondence can be filed electronically through EFS-Web or if mailed should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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